REMARKS

A. CLAIM TO BENEFIT OF EARLIER FILED APPLICATIONS

The Office Action states that "Should the applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78." (Office Action at page 2, paragraph 3). The undersigned has read both of the aforementioned sections and believes the applicant's original claim to benefit of the filing dates of the earlier applications is proper. Therefore, the Office Action must merely be referring to which date the patent office is assuming that the claims are entitled to in order to search for prior art. Since the search for prior art would be more extensive assuming that the claims are entitled to a later filing date, the applicant need not traverse this assumption at this time. Furthermore, the applicant does not concede that the subject matter found in claims 2-4 and 6-8 were not wholly disclosed in parent applications.

To the extent that the Office Action meant to imply that the applicant has not made a proper claim to the benefit of the filing date of the parent applications, the applicant has the following comments.

The application clearly has at least one inventor in common with the previous applications. Furthermore, the first paragraph of the present specification clearly contains a claim to benefit of the earlier applications by including "a specific reference to the earlier filed application" and "indicating the relationship of the applications." The present specification clearly states: "This application is a continuation of US patent application 10/258,402 filed 23 October 2002 under 35 USC 371 from PCT patent application PCT/US01/13742 filed 30 April 2001 which claims benefit of US provisional application 60/201,471 filed 03 May 2000 and US provisional application 60/256,086 filed 15 December 2000, all of which are incorporated herein by reference."

Furthermore, even the Office Action admits that "this application is a **continuation** of US patent application Serial No. 10/258,402 filed 23 October 2002 (now U.S. Patent No. 6,708,885) under 35 USC 371 from PCT patent application PCT/US01/13742 filed 30 April 2001 which claims benefit of US provisional application 60/201,471 filed 03 May 2000 and US provisional application 60/256,086 filed 15 December 2000." (Office Action at page 2, paragraph 2) (emphasis added). As the Office Action admits, this application is a continuation even if the specification does contains some additional disclosure not found in the parent application, as the Office Action believes. The admission in the Office Action follows the longstanding usage of the term continuation as being broadly defined to include a continuation in part. Therefore, it is respectfully suggested that the applicant has already made a proper claim to the benefit of the filing date of the prior application. However, the applicant would not necessarily be adverse to amending the claim of priority to substitue an equivalent terminology stating that the previous application is a "parent" (See MPEP 201.04) as long as such claim does not affect applicant's previous proper claim to priority.

It should again be noted that the applicant does not concede that there is any material disclosed in the present application that was not disclosed (whether explicitly or inherent) in the previous application to which priority is already properly claimed.

It is respectfully submitted that the applicant has already made a proper claim to priority to the parent application. If the patent office disagrees, please advise.

B. DRAWINGS

The Office Action objected to the drawings as not showing the claims that include the phrase "react mode is a directional antenna." However, the applicant has amended the specification to reference "react mode directional antenna 14." Therefore,

no correction to the drawings is required because the claimed feature is shown in the drawings.

C. DOUBLE PATENTING

The undersigned notes that claims 1 and 5 do appear to be the same as claims 1 and 11 of the applicant's prior US Patent No. 6,708,885. Unless these claims are later amended or the applicant later notes any differences between these two claims and the claims of the earlier patent, these two claims will be withdrawn upon allowance of claims 2-4 and 6-8.

The Office Action rejects claims 2-4 and claims 6-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 11-18 of applicant's U.S. Patent No. 6,708,885 in view of one of three different patents. At this time, the applicant disagrees with the Office Action's allegation that the subject claims are for inventions that were not "wholly" disclosed until the instant application. It is believed that the claimed inventions are disclosed in the earlier specification because the claimed inventions are currently believed to be disclosed, at least inherently disclosed, in the parent disclosure. However, the applicant reserves the right to withdraw this statement upon further investigation.

Nevertheless, the obviousness type double patenting rejection is moot because the applicant is willing to file a terminal disclaimer if all other issues are resolved. If the claims are later amended in a manner which overcomes the Office Actions double-patenting rejections, the applicant may choose to forgo filing such terminal disclaimer. In filing any terminal disclaimer, the applicant relies on the Patent Office's statements that "[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *MPEP* 804.02, May 2004 Revision of 8th edition, citing *Quad Envi-ronmental Technologies Corp. v. Union*

Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) and similar statements by the Patent Office.

If the attached amendment to the specification is acceptable and there are no other issues, a terminal disclaimer will be filed to obtain allowance of claims 2-4 and 6-8

In lieu of the foregoing remarks, all claims should be in condition for allowance. The undersigned attorney requests the opportunity to discuss any perceived problems with the claims, to further explain any of the points raised herein, and to discuss placing claims in condition for allowance. The undersigned can be reached through his direct phone number (312) 223-0010 extension 144. Please advise when you would be available for a telephone conference.

Respectfully submitted,

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By _____
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I hereby certify that, on December 27, 2004, this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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